

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
January 15, 2021

Approved
2-12-2021

Due to COVID-19 meeting restrictions, the regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held remotely through GoToMeeting.

People Present:

Robert Butz, Chair
Robert Butts, Vice Chair
Tim McGrath, Board Member
Tom Linthicum, Associate Supervisor
Joe Lehman, Associate Supervisor
Chris Miller, Associate Supervisor
Jeremy Criss, Director OAG
Mike Scheffel, OAG
Adam Lyons, MDA
Kelly Nichols, Extension
Mitchell LeMuiex, Acting District Conservationist
Sam Engler, future NRCS -Acting District Conservationist
John Zawitoski, District Manager (MSCD)
Travis Gorleski, Equine Conservation Planner (MSCD)
Karen Walker, Office Service Coordinator (MSCD)

Chairman Butz called the meeting to order at 9:20 am and Jeremy Criss presented the report for the Office of Ag.

AGENCY REPORTS

OFFICE OF AGRICULTURE Jeremy Criss provided the report and noted that three reports were sent to Supervisors electronically as a part of their meeting materials packet in support of his report to the Board.

- Jeremy provided an update on the Solar ZTA 20-01. The Farm Solar Stakeholder Working Group met on November 17, 2020, December 2, December 16, and December 29, 2020. A document developed in google documents as drafted supporting the position of the agricultural community. Doug Lechlinder attended the January 14, 2021 Joint PHED/T&E Committee work session to represent the agricultural community. The Full Council vote on the Solar ZTA 20-01 is scheduled for January 26, 2021. Jeremy attached as part of his report his cover email the final reports and the Council staff packet and some suggested notes that would be helpful in the event any Supervisors wanted to call the Council members to advocate the recommendations of the Agricultural Reserve Stakeholder prior to the January 26, 2021 council vote. Jeremy briefly discussed some of the proposed amendments they include: making solar a conditional use in the Ag Reserve, exclude solar sites on soils class type 1 &2 and to reduce the proposed 1,800 to 1,200 acres and each year phase in a reduction of acres. Jeremy provided a reminder that calls and letters to the council are due no later than 1/26/21. John posted the councilmembers contact information on the screen.

- The next item reported concerned Council Member Andrew Friedson introduction of Bill 5-21 Agricultural Land Preservation-Solar Collection Systems-Dedication of Business Personal Property Tax Revenue. This bill will be introduced on January 19, 2021 and The Public Hearing is scheduled for February 9, 2021 at 1:30 pm. The goal of this bill is to generate revenue from the solar industry for the Agricultural Land Preservation Program and hoped the District would support the bill.
- Jeremy then discussed the Composting ZTA 20-04 that was introduced by Council Member Evan Glass on October 27, 2020 and the Public Hearing was conducted on December 1, 2020. The AAC, APAB and MSCD all provided letters of support to the County Council for this Composting ZTA 20-04 that will increase the amount of off-site materials used in the compost process from 20% to 50%. During the public hearing, all of the speakers were in support of ZTA 20-04 and they included- Brenda Platt, Michael Protas, Ben Butler, and Ben Perry. The PHED Committee Work Session is scheduled for January 25, 2021 at 9:30 am. https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201027/20201027_6A.pdf
- The next item involved Delegate Fraser Hidalgo’s proposed MC 15-21 Montgomery County - Deer Management Permit Pilot Program that would enable deer harvested under Deer Management Permits to be processed and commercially sold for venison-deer meat. Delegate Eric Luedtke has also proposed a bill to create an Income Tax Credit-Venison Donation Expenses-MD Deer Donation Program. Jeremy indicated that he doesn’t think that the commercial sale of deer will move forward. Jeremy explained that the state code is clear in that the “commercial sale of deer is prohibited”. If the pilot program is to be established, there must be a change in the state law. He also discussed that Delegate Luedtke proposed bill could aid the hunter and help offset the expense associated with deer donations. A hunter could receive \$50 per deer with a cap of earning \$200 and Jeremy noted that a tax credit may be higher, but it is still based on the \$50 per deer rate. Jeremy indicated that hearing on both bills are scheduled for January 18th
- Lastly, Jeremy reported that the County Council will introduce an amendment to the Subdivision Regulations to exempt farm facilities from the subdivision process Chapter 50 for commercial buildings used for Agritourism, On-Site Farm Markets and Farm Alcohol Production. Jeremy noted that all amendments have been remitted and he shared that his discussions with Dale Tibbitts concerning an “effective date” associated with the amendment. Jeremy felt that the effective date issue was not business friendly and as a result the effective date was not included. Jeremy will provide updates as the process moves forward.

Upcoming Meetings and Events:

- Solar ZTA PHED/T&E Work Session-January 14, 2021 1:30 pm
- Montgomery Soil Conservation District-January 15, 2021
- CSA Future Harvest Virtual Conference-January 15, 2021
- Montgomery County Agricultural Advisory Committee-January 19, 2021 7:00 pm
- Montgomery County Farm Bureau Board of Directors- February 1, 2021 7:00 pm
- Annual Farmers Market Training-February 3, 2021
- Farmers Forum-February 5, 2021 9:30 am
- Agricultural Preservation Advisory Board-February 9, 2021 7:00 pm

MARYLAND DEPARTMENT OF AGRICULTURE: Adam Lyon, Patuxent Area Coordinator for MDA then presented his report. Adam reviewed with the Board the current MDA COVID-19 operating protocols and explained that employees approved for teleworking are continuing to do so to the maximum extent possible. He then discussed the status of MDA’s efforts to hire new field level positions. January 13th was the closing date for the first round of interviews for these positions and interviews have begun. Adam stated that this recruitment is being streamlined for those positions that are currently funded through the Chesapeake Bay Trust

Fund. Adam was happy to announce that Udeni Leanage, currently an MDA Technician in Charles SCD, will be transferred to Montgomery SCD and will begin work there on January 27th. Udeni comes to Montgomery SCD with several years of private industry experience and advanced proficiency using AutoCAD. Udeni will be a tremendous asset for the District that will strengthen our conservation technical assistance team of Paul and Chris.

Adam then shared information on several new initiatives. First was the Maryland Conservation Buffer Initiative and he explained the application period would run from January 11th through February 5th. Adam provided information on how to access applications and other information and this link to this information is incorporated into the minutes as follows: https://mda.maryland.gov/resource_conservation/Pages/conservation-buffer-initiative.aspx. Adam then discussed the Nutrient Management Annual Implementation Reports and explained that the AIRs were mailed out from MDA-HQ this week and are due by March 1st to MDA.

Operators have the option to submit their AIR online via the Maryland One Stop portal and a link to this information is incorporated into the minutes as follows:

https://mda.maryland.gov/resource_conservation/Pages/air.aspx. Adam noted that MDA will continue to accept paper copies of the AIR.

EXTENSION: Kelly Nichols, Ag Agent, Montgomery County was next to present her report. Kelly followed up on the Annual Implementations Reports (AIR's) requirement that Adam had just discussed and noted that Extension has partnered with MDA on the AIR effort. A help day workshop has been set up for Frederick cooperators to work on the AIRs and the same could be done for Montgomery. She remarked that she and Natalia Salazar are available to aid Montgomery County cooperators.

She then reported on reminders and updates for Dicamba and Paraquat. Kelly suggested that each person must be trained before using any products and she noted the Dicamba required annual training while Paraquat training was required every 3 years. She explained that the training modules are available in both English and Spanish. Listed below are the product details.

Dicamba Reminders - Xtendimax, Engenia, and Tavium have been granted new, five-year registrations by the Environmental Protection Agency (EPA). These are the only dicamba-containing herbicides that are labeled for over the top applications in dicamba-tolerant soybeans. In order to use these products:

- Be aware of all application requirements (nozzles, application date, ground speed, wind speed, boom height, tank mixes, and tank cleanout). Some have been updated with the new registration.
- Yearly training is required. For more information and to find the training, visit the [Xtendimax](#), [Engenia](#), and [Tavium](#) websites. You only need to complete one of the trainings. The training on the Engenia website is using a new platform through Adobe, which will require users to create a free account; this will also allow users to stop and start the training as needed.

Paraquat Reminders - In order to use new formulations of paraquat (the active ingredient in Gramoxone):

- Training is required; visit www.usparaquattraining.com. This training must be completed every three years. The training is available in English and Spanish.
- Closed systems are required for non-bulk (less than 120 gallons) containers, and paraquat cannot be used in backpack sprayers – this will affect fruit growers who use paraquat for weed control in tree rows.
- Applicator must be licensed; they can no longer spray under a supervisor's license.

After providing the updates and reminders, Kelly mentioned that a Retired Entomology Extension Specialist, is interested in the review and research of Timothy Mite. If you grow Timothy and would like to share your experience, please let her know. Kelly reported that Chuck Schuster will be hosting the Beginning Farmer

Class starting next week and the class will go on for several weeks (January 20 through March 31). Interested individuals can register for classes on the Extension website. She also noted that MDA is being flexible on both pesticide and on nutrient management continuing education credits and she discussed several options that are available that should prevent anyone from losing their license. Robert thanked Kelly for her report and noted that he used to grow Timothy and was familiar with Timothy Mite. Lastly, John explained to Kelly that he will be contacting her and working with her on Robert Stabler's replacement. Robert Stabler's appointment to the Board of Supervisors is the Extension appointment. Kelly shared that a Supervisors appointment was just done in Frederick and she is familiar with the process.

SECRETARY/ TREASURER'S REPORT

The next item on the agenda was the approval of the Board Minutes and Chairman Butz inquired to Board Members if there was any questions or additions to the December 11, 2020 Board Minutes. With no additions or corrections to the minutes, a motion was made by Robert Butts and then seconded by Tim McGrath and passed approving the December 11, 2020 Board minutes. As detailed during the Board's Executive Session, Karen explained further that due to the Office's COVID 19 exposure issue, that she was not able to access the documentation necessary to prepare the monthly Financial Reports. She explained that she is working with the chair and the bank representative on gaining limited electronic access to bank account records. Karen mentioned that she has received notification from MDA and the MDA quarterly payment is forthcoming. John explained that in light of the Office COVID 19 exposure issue, that during the February Board Meeting both the December and January Financial Reports would be available for approval.

DISTRICT ACTIVITIES REPORT AND UPDATES

As conservation plan approvals and ratifications are conducted in the Executive Session, Acting District Conservationist Mitchell LeMueix presented the Activities Report and provided updates concerning Help America and other federal workload items. Mitchell noted that the report is straight forward and would be happy to answer any questions Supervisors had on the report. Hearing no questions, the chair moved that Mitchell provide program updates. Mitchell stated that NRCS has received a Request for Assistance from Help America involving a property on Elmer School Road. Everyone was aware of the situation involving Help America on Trundle Road as well as the outcome of the wetland determination conducted by NRCS. It has been noted by other Federal/State and County agencies that Mr. Wells has many challenges with multiple issues involving the Trundle Road property and has not presented himself as a cooperative landowner. Jeremy noted that given this situation he instructed the MSCD Board not to provide service to Mr. Wells under the directions and advice of the Montgomery County Attorney until the landowner became compliant with numerous issues he has with these other agencies. Mitchell relayed his review of Charlotte Brewster, MCSD/NRCS District Conservationist notes and did not find any documentation from her where she felt threaten or unsafe. Since NRCS policy is not to deny anyone service, NRCS will continue to assist Help America/Mr. Wells to evaluate conservation services.

Robert McAfee, NRCS State Operations Manager, is aware of the matter and he has instructed the Acting District Conservationist replacement, Sam Engler, to work with Mr. Wells in the conservation process. If an issue should arise it will be handled in house by NRCS and will not involve any other agencies. Jeremy Criss, Director Office of Agriculture question whether the wetland determination on Trundle Road prohibited Mr. Wells on moving forward with any agriculture endeavor. Mitchell responded that activities conducted on the Trundle Road property would need to be evaluated and there was potential these activities would exclude the property from being eligible for Federal programs. Jeremy was not sure if a wetland determination was done on

Elmer School Road property. Mitchell confirmed that a wetland determination was done on Elmer School property and it is almost identical to the determination for Trundle Road (hydric areas, potholes and wooden wetland structures). In light of these wetland determinations being virtually the same, Mitchell does not believe NRCS will be able to assist Help America with any cost share project on either property, other than assistance with conservation planning. The clearing that has been done on the Trundle Road property, may be the reason he is seeking assistance now on the Elmer School Road property, as the clearing activity may be pertinent for the denial of cost share assistance. John indicated he does not know if Mr. Wells has done any clearing on the Elmer School property or pushed trees over, if he has this too could be potentially in violation of the Federal Swampbuster provision under the Farm Security Act. Mitchell indicated that any impact caused by Mr. Wells that results in a change in hydrology, Help America-Mr. Wells would not be eligible for any Federal programs. It was Mitchell's opinion, that considering the wetland determinations, not very much could be conducted agricultural production wise. While Sam could provide Mr. Wells with a conservation plan, the plan essentially would have no value as the wetlands would prohibit and restrict agricultural uses. When Sam comes on board officially, he will go on a site visit and report back to the board. Tim noted that the soils in that area would be a good solar site. Mitchell commented that most of the area is wooded and clearing would be required even for the installation of a small high tunnel.

After addressing the RFA for Help America, Mitchell shared that COVID operating status for NRCS is the same and most employees are teleworking. New hires are coming on board both by direct hire and the standard process through USA Jobs. Mitchell noted that there has been a surge in veteran applications in locations that are close to a military base. The positions close to a military base will more than likely be hired from the veteran pool. Mitchell announced that today is his last day as the Acting District Conservationist and Sam Engler who his sitting in on this meeting will be officially on-board as his replacement effective January 17, 2021. Robert gave thanks to Mitchell for taking care of MSCD while the District Conservationist, Charlotte Brewster was on leave and wished him future success.

NEW AND OLD BUSINESS UPDATES

Moving forward to the old and new business, the Chair noted that John had provided a report involving both New and Old Business information items in advance of the meeting and invited John to share any updates. Robert mentioned that John may want to share the details and status of the upcoming Winter MASCD Meeting. John announced that the Winter MASCD Meeting will be an all-day virtual meeting on February 1st from 9-5. As this meeting will be held remotely, and John sent information packets to the Supervisors and both chairman Butz and Tim have indicated that they will be available to attend the meeting. John encouraged Robert Butts to attend the meeting even if it's only for a limited time. John has developed a legislative matrix for both Senate and House bills that impact agriculture and the one that the District should support deals with 100% cost share provided by MACS. John noted that the 100% MACS cost share would be a great way of getting conservation on rented farmland. John remarked that he plans to update the matrix weekly and provide the updates. John's preference is not to schedule visits with the Montgomery County Delegates until after the February 1st Winter MASCD Meeting. In the Winter meeting the state budget and other legislative priorities will be addressed. If the Supervisors agree with John's approach, he will not set up the meetings until after February 1st and the chairman concurred with his approach.

Next, John made the Board aware that WSSC has provided notification of a scheduled dredging project in the Little Seneca Reservoir and the expected quantity of material is up to 150,000 CY. Given the amount of material being dredged, WSSC is looking for areas for this material to be utilized, particularly agricultural uses on farmland. The Board encourages staff to be helpful with farmers who would like to use these materials as a soil amendment. The chair shared his experience associated with dredge material and he noted that the dredge material can provide a beneficial amendment to the soil. Joe inquired if the dredge soil is tested and John responded that WSSC intends to test these materials. This will be important for farmers wishing to use these

materials as a soil amendment will need to incorporate its use into their Nutrient Management Plans. John also indicated that he felt the District's fill policy can be used as a vehicle for utilizing these materials as a soil amendment as an agricultural use. Right now, WSSC is in the public notice phase of the project but actual dredging will not occur until 2023 through 2025.

Having no other questions on the dredge project, John shared that he attended the Climate Resiliency meeting with Jeremy Criss, Mike Scheffel and Chuck Schuster with the Office of Legislative Oversight (OLO). The meeting was designed to obtain information to advise the county council on how the climate change has impacted different groups. The Office of Agriculture noted that weather has impacted the food production and has had a direct impact on crops. John noted that the District had had an uptick in drainage calls both agriculturally and residentially. The amount of rain has caused ponds to overflow and residents have been reporting yard drainage and leaky basements. John noted both stormwater and farm ponds constructed 20 to 40 years ago are showing signs of age and are beginning to exhibit structural issues. Furthermore, these original pond designs were not sufficient to handle the precipitation that has been occurring under these current weather conditions. John used this as an opportunity to highlight with OLO the issue and the need for a District engineer to address the infrastructures associated with these ponds and stormwater management structures. Given the increased demand and NRCS backing away from pond reviews, the District is going to need an engineer to address the impact that climate is having on the environment. He informed the OLO that the District has made an appeal for an engineering position in the last two budget submittals, but the request has gone unfunded.

OLD BUSINESS

The following information was conveyed in the John's report under Old Business:

MACS Status Reviews - All completed Satisfactory and transmitted to the MACs office.

Cover Crop Program Update - Our fall cover crop certification is 99% complete. All we need is a signature from Lonnie Luther and Andrew Keller on their seed tags. Wanted to recognize in addition to J and Karen, Paul, Chris, and Travis for their help in completing our fall spot checks. This was a challenging year for cover crops made even more difficult by the fluctuating dates for planting set by MDA and our COVID 19 exposure issue. John informed the Board that he truly appreciated the help from everyone to get our acreage reported and spot checked. Spring spot checks will start as soon as cooperators begin to report kill down in March.

FY20 WQPC Report: John informed the Board that he has completed the final draft of the FY20 WQPC report. We are completing some internal editing reviews and should be ready to transmit this report to DEP before the end of the month. This report is the catalyst for invoicing our annual allocation of funding for our Cost Share Assistance Program.

Sandy Spring Signature Authorities Update - We have successfully completed updating the Supervisor's signature authority for our District Banking Accounts for Sandy Spring Bank. We are also coordinating access for Karen to obtain the capacity to view our banking statements online.

Updated WIP Goals - As reported last month, the District met with MDA on December 8, 2020 regarding update on the County's WIP goals. Two of the stated goals involving poultry animal waste systems and poultry composting facilities are way out of line as we do not have the poultry numbers to support this goal. We met with MDA to discuss this and to see within our other goals, which could be adjusted to make up the difference if we eliminated the poultry goals. We decided that the most reasonable alternative would be to increase the Land Retirement to Open Space to 745 acres as we are on track to meet and maintain that level

of implementation and feel there is more potential for those practices to be applied across the landscape. To document these discussions, we provided a memorandum to MDA explaining the need to modify our WIP goals. MDA is satisfied with the memorandum and will be adjusting our WIP Plan and Goals.

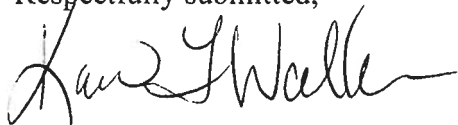
CHAIRMAN CORRESPONDENCE

The chairman had nothing additional to share with the group. Preceding the Board Meeting, Mike Scheffel requested that Tim McGrath contact him on another matter.

ADJOURNMENT AND NEXT MEETING

Before the meeting officially adjourned, John shared that moving forward there will only be one link associated with GoToMeeting for the open form meeting. Once the open meeting concludes the closed Executive Session will begin.

Respectfully submitted,



Karen Walker, Administrative Assistant

| <u>MEETINGS ATTENDED</u> | <u>PERCENTAGE</u> |
|---------------------------------|--------------------------|
| Butz | 80% |
| Butts | 100% |
| McGrath | 100% |
| *Linthicum | 50% |
| *Joe Lehman | 50% |
| *Chris Miller | 60% |
| *Associate Members | |

